

ARTICLE XVIII-C ESTABLISHMENT OF OVERLAY DISTRICTS

Section 1801-C Purpose and Intent

The purpose of an overlay district is to protect the special, public interest and benefit in an area that is not already adequately protected by mapped traditional zones. An overlay district establishes regulations beyond those in the underlying zone and may cover parts of several zoning districts or only a portion of the underlying district. Generally, the underlying zone determines the permitted land uses, while the overlay district may regulate such things as the design and setbacks. Overlay districts may also set in place any other regulations that meet the district's purpose.

Section 1802-C Procedure

- (a) An overlay district may be initiated by the Planning Board, upon recommendation of the Planning Department.
- (b) Any proposed overlay district under consideration shall be studied by the Planning Department to determine:
 - (1) The purpose and intent of the overlay district under consideration;
 - (2) The existing character of the area;
 - (3) Development goals for the area;
 - (4) Boundaries of the overlay district under consideration;
 - (5) Development standards;
 - (6) Design Standards;
 - (7) Landscaping, if applicable;
 - (8) Signage, if applicable;
 - (9) Parking; and
 - (10) Pedestrian and vehicular circulation.
- (c) The Planning Department shall submit the overlay district request to the Planning Board for consideration along with a staff report containing the findings enumerated in subsection (b).
- (d) The Planning Board shall hold a public hearing on the overlay district request. Public notice of the hearing shall be given at least fifteen (15) days in advance of the hearing by publication in a newspaper of regular and general circulation in the City, and a notice shall be posted at City Hall. The Planning Board shall forward its recommendations in writing to the City Council for final consideration. The City Council shall hold a public hearing following adequate public notice within sixty (60) days of the Planning Board recommendations.
- (e) When the City proposes to establish an overlay district on any property within its jurisdiction, or proposes to amend an existing overlay district, it shall be the duty of the City to give notice by first class mail to each property owner affected by said regulation. In addition, the City shall notify by first class mail all property owners within one hundred sixty (160) feet in all directions, excluding widths of streets, there from the property lines of the affected parcels or acreage. Such notice shall be mailed to the owner's current address of record, as maintained by the assessor of taxes and shall be postmarked no later than ten (10) days prior to the first scheduled hearing concerning the proposed

change. The notice shall contain a description and map of the affected property, the proposed overlay district regulations, and the time and place of any scheduled hearing concerning the proposed overlay district. Prior to the effective date of the establishment of the overlay district, the City shall cause an affidavit to be filed with the City Clerk certifying that the City has complied with this section. The filing of the affidavit shall be prima facie proof of compliance with this section. A failure to give notice shall not affect the validity of the overlay district, except as to the property of the complaining owner. Notice shall not be invalid or ineffective if sent according to the ownership records of the Tax Assessor, regardless of the accuracy of the tax records. It is the owner's responsibility to insure the accuracy of tax records pertaining to his property.